

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Rates for Interstate Inmate Calling Services	)	WC Docket No. 12-375
	)	
_____	)	

**MOTION FOR EXTENSION OF TIME TO FILE  
PRA COMMENTS, FNPRM REPLY COMMENTS, AND COMMENTS ON THIRD  
MANDATORY DATA COLLECTION**

Pursuant to Section 1.46 of the Commission’s rules,<sup>1</sup> Global Tel\*Link Corporation (“GTL”),<sup>2</sup> by its attorneys, respectfully requests a brief extension of time for the filing of: (1) Paperwork Reduction Act (“PRA”) comments on the new information collection requirements adopted by the Commission, which currently are due October 25, 2021; (2) reply comments in response to the Fifth Further Notice of Proposed Rulemaking (“FNPRM”), which currently are due October 27, 2021; and (3) comments and reply comments on the Third Mandatory Data Collection (“MDC”), which currently are due November 4 and November 19, 2021. Each of these deadlines stem from the *2021 Order and FNPRM* issued by the Commission in the above-referenced proceeding.<sup>3</sup> Specifically, GTL requests that the date for each set of comments be extended by two or three weeks, making the PRA comments due November 8, the FNPRM reply comments due November 17, and the comments and reply comments on the MDC due November 24 and December 9, respectively.

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<sup>1</sup> 47 C.F.R. § 1.46.

<sup>2</sup> This request is filed by GTL on behalf of itself and its wholly owned subsidiaries that also provide inmate calling services: DSI-ITI, Inc., Public Communications Services, Inc., Telmate, LLC, and Value-Added Communications, Inc.

<sup>3</sup> WC Docket No. 12-375, *Rates for Interstate Inmate Calling Services*, Third Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking, FCC 21-60 (rel. May 24, 2021) (“*2021 Order*” or “*2021 Order and FNPRM*”).

GTL has confirmed the National Sheriffs' Association, Securus Technologies, Pay Tel Communications, and NCIC Inmate Communications do not oppose the extensions requested herein. Several advocacy groups<sup>4</sup> support an extension of the FNPRM reply comment deadline to December 10, 2021, which they believe would resolve the overlapping filing issue. Prison Policy Initiative does not object to the requested extensions for the PRA comments and the comments on the MDC, but does not support extension of the FNPRM reply comment deadline.

In support of this request, GTL states as follows:

1. On July 28, 2021, the Commission's *2021 Order and FNPRM* was published in the Federal Register, which established the comment dates for the Commission's Fifth FNPRM as August 27, 2021 and September 27, 2021.<sup>5</sup> The Federal Register publication also established October 26, 2021 as the date by which the interim rate caps, ancillary service charges, and other changes adopted in the *2021 Order* must be implemented.<sup>6</sup>

2. On August 10, 2021, in response to a request from advocacy organizations,<sup>7</sup> the Commission extended the comment and reply comment deadline for the Fifth FNPRM to September 27, 2021, and October 27, 2021, respectively.<sup>8</sup>

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<sup>4</sup> These organizations are the United Church of Christ, New America's Open Technology Institute, Free Press, Benton Institute for Broadband & Society, National Consumer Law Center, and Public Knowledge, which filed joint initial comments.

<sup>5</sup> 86 Fed. Reg. 40416 (July 28, 2021).

<sup>6</sup> 86 Fed. Reg. 40682 (July 28, 2021).

<sup>7</sup> Telecommunications for the Deaf and Hard of Hearing, Inc. filed the request, which was supported by the Benton Institute for Broadband & Society, HEARD, the Human Rights Defense Center, the National Association of the Deaf, Public Knowledge, the United Church of Christ, Voqal, and Worth Rises.

<sup>8</sup> WC Docket No. 12-375, *Rates for Interstate Inmate Calling Services*, Order, DA 21-978 (rel. Aug. 10, 2021).

3. On August 25, 2021, the Commission requested comment on the information collection requirements adopted in the *2021 Order* for purposes of compliance with the PRA, and those comments are due by October 25, 2021.<sup>9</sup>

4. On September 22, 2021, the Commission issued a public notice seeking comment on the “contours and specific requirements” of the Third Mandatory Data Collection.<sup>10</sup> On October 5, 2021, the *MDC PN* was published in the Federal Register, which established November 4, 2021, as the date for comments and November 19, 2021, as the date for reply comments on the *MDC PN*.<sup>11</sup>

5. On October 5, 2021, the Commission also sought comment on the new information collection requirements associated with the MDC for purposes of the PRA, and those comments are due by December 6, 2021.<sup>12</sup>

6. The Commission may grant an extension of time for good cause shown.<sup>13</sup> Generally, the Commission’s “criteria for granting such requests are that the extension be in the public interest, cause no harm to any party in the proceeding, and cause no significant delay. An extension of time may also be appropriate where it is shown that the matter is unusually complex and that additional time is necessary to provide the Commission with an adequate pleading.”<sup>14</sup>

7. GTL (and presumably other ICS providers) are in the process of implementing the interim rates, ancillary service charges, and other changes adopted in the *2021 Order* to meet the

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<sup>9</sup> 86 Fed. Reg. 47496 (Aug. 25, 2021).

<sup>10</sup> WC Docket No. 12-375, *Wireline Competition Bureau and Office of Economics and Analytics Seek Comment on Upcoming Third Mandatory Data Collection for Inmate Calling Services*, Public Notice, DA 21-1192 (rel. Sept. 22, 2021) (“*MDC PN*”).

<sup>11</sup> 86 Fed. Reg. 54897 (Oct. 5, 2021).

<sup>12</sup> 86 Fed. Reg. 54970 (Oct. 5, 2021).

<sup>13</sup> See, e.g., *Application of Media General Broadcasting of South Carolina Holdings, Inc. for Renewal of License for Station WBTW(TV), Florence, SC*, 19 FCC Rcd 24744, ¶ 3 (2004) (“For good cause shown, we will grant the requested extension of time.”); see also 47 C.F.R. § 1.46.

<sup>14</sup> See, e.g., *Audio Enterprises, Inc.*, 3 FCC Rcd 5402, ¶ 2 (1988).

Commission's expedited 90-day deadline of October 26.<sup>15</sup> GTL is laser focused on renegotiating and/or amending more than 450 correctional facility contracts, as well as modifying its billing systems, updating its interactive voice response system ("IVR"), changing its websites, revising its web-posted disclosures, and re-training its customer service representatives. The scope of the implementation affects all facets of GTL's business -- personnel, legal, regulatory, sales, contracts, business development, product development, accounting, IT, and customer service/communication.

8. The October 26 implementation deadline, in conjunction with the Commission's other comment deadlines for addressing important issues directly affecting the provision of inmate calling services,<sup>16</sup> does not allow sufficient time to offer meaningful comment on the matters raised by the Commission's request for comments and other parties' comments (as applicable) regarding the PRA, the Fifth FNPRM, and the MDC. Even after the rule changes take effect on October 26, 2021, past experience supports that the new rules will trigger numerous inquiries from correctional facilities, incarcerated individuals, and friends and family of the incarcerated that GTL personnel will need to devote time and resources to address to ensure a smooth transition.

9. Although not intentional, there now exists a "perfect storm" of numerous back-to-back filings on top of the looming implementation deadline.<sup>17</sup> The timing of various items being

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<sup>15</sup> At the same time, GTL is required to implement recent state law changes in California to inmate calling rates and ancillary service charges that affect numerous existing correctional facility contracts that must be implemented by October 7, 2021.

<sup>16</sup> In addition to proceedings involving inmate calling services, reply comments in the Commission's ongoing Managed Access proceeding are due October 12, 2021. *See* 86 Fed. Reg. 44681 (Aug. 13, 2021).

<sup>17</sup> For previous inmate calling rate changes, the Commission adopted staggered implementation deadlines -- 90 days for prisons and 180 days for jails. *See Rates for Interstate Inmate Calling Services*, 30 FCC Rcd 12763, ¶¶ 251-52 (2015) (subsequent history omitted) ("This transition period reflects a careful balancing of the important goal of expediting relief to end users while allowing the necessary time to prepare for any impact our new rules may have on ICS providers and correctional institutions.").

published in the Federal Register plus the prior extension of time granted to the advocate groups and the differing procedural requirements for each of the items at issue has created a schedule of filings that makes it nearly impossible for meaningful participation in the comment process.<sup>18</sup> Further, changing only one comment date will just continue to perpetuate the problem given the successive comment deadlines.

10. Thus, the additional time requested for commenting is in the public interest. It will allow GTL and other ICS providers to focus first on implementing the *2021 Order*, and ensure a smooth transition for correctional facilities, incarcerated individuals, and friends and families. Further, it will allow GTL and others the time necessary to fully evaluate the information and analyses set forth in the initial comments on the FNPRM, and better formulate a meaningful and detailed response to the comments filed. It also would allow the parties adequate time to review and respond to the myriad of questions and proposals contained in the *MDC PN*, as well as provide analysis on the PRA aspects of both proposed information collection requirements.

11. Time for further review and discussion of these important issues also will enable GTL and other commenters to provide a more complete factual and legal record in this proceeding. The Commission consistently has granted extensions of time when the extension would result in “the most complete and well-developed record possible” or will allow for more accurate responses.<sup>19</sup> Grant of the requested extension would fulfill both important public interests.

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<sup>18</sup> See, e.g., *Federal-State Joint Board on Universal Service*, 18 FCC Rcd 817 (2003) (granting extension to ensure group could have “meaningful participation” in process).

<sup>19</sup> See, e.g., *Amendment of Parts 2 and 25 of the Commission’s Rules to Permit Operation of NGSO FSS Systems in the Ku-Band Frequency Range*, 16 FCC Rcd 7070, ¶ 3 (2001); *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, 20 FCC Rcd 1555, ¶ 3 (2005).

12. Further, grant of these modest extensions will not cause harm to any interested party, and will not cause undue delay to the Commission's consideration of permanent inmate calling reform. Accordingly, grant of this extension request is in the public interest.

13. In accordance with the requirements of 47 C.F.R. § 1.46(b), this extension request is being filed seven (7) days before the current filing deadlines for each of the requested extensions. GTL also has notified Commission staff that this extension request is being filed.

### **CONCLUSION**

Accordingly, GTL respectfully requests that the Commission grant the brief extensions requested herein to allow: (1) PRA comments on the new information collection requirements adopted by the Commission in the *2021 Order* to be filed on November 8 (currently due October 25); (2) reply comments in response to the Fifth FNPRM to be filed on November 17 (currently due October 27); and (3) comments and reply comments on the MDC to be filed on November 24 and December 9 (currently due November 4 and November 19).

Respectfully submitted,

**GLOBAL TEL\*LINK CORPORATION**

*/s/ Chérie R. Kiser*

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